

Exhibit A

TIMOTHY EDWARD CAPLINGER
DELTA PILOTS ASSOC. vs MELVIN

January 11, 2019

1-4

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>2</p> <p>3 CIVIL ACTION NO.: 1:14-cv-00225-AKH</p> <p>4</p> <p>5 DELTA PILOTS ASSOCIATION, a labor organization incorporated in Florida,</p> <p>6</p> <p>7 Plaintiff,</p> <p>8 -vs-</p> <p>9</p> <p>10 RUSSELL C. MELVIN, an individual,</p> <p>11</p> <p>12 Defendants,</p> <p>13</p> <hr/> <p>14 DEPOSITION OF TIMOTHY EDWARD CAPLINGER PAGES 1 - 192 Deposition taken on: Friday, January 11, 2019 9:50 a.m. - 5:39 p.m.</p> <p>20</p> <p>21 Deposition taken at: Esquire Deposition Solutions 101 East Kennedy Boulevard Suite 3350 Tampa, Florida</p> <p>23</p> <p>24 Reported By: Cassie O. May, RMR 25 Notary Public, State of Florida Esquire Deposition Solutions</p>	<p>1 EXAMINATION INDEX</p> <p>2 Examination BY MS. LOSSIA 5</p> <p>3</p> <p>4</p> <p>5</p> <p>6 EXHIBIT INDEX</p> <p>7 EXHIBIT NO. PAGE NO.</p> <p>8 1 second amended complaint 11</p> <p>9 2 DPA 142 - DPA 148 114</p> <p>10 3 DPA 272 51</p> <p>11 4 DPA 47 - DPA 51 80</p> <p>12 5 DPA 39 - DPA 40 93</p> <p>13 6 DPA 42 98</p> <p>14 7 DPA 43 100</p> <p>15 8 DPA 45 101</p> <p>16 9 DPA 22 85</p> <p>17 10 DPA 24 and DPA 26 51.</p> <p>18 13 DPA 34 - DPA 37 103</p> <p>19 14 DPA 63 - DPA 68 62</p> <p>20 15 DPA 78 107</p> <p>21 16 DPA 79 - 86 109</p> <p>22 17 DPA 89 - DPA 168 133</p> <p>23 19 DPA 245 - DPA 247 143</p> <p>24 20 DPA 260 - DPA 261 147</p> <p>25 21 DPA 262 - DPA 268 148</p>
Page 2	Page 4
<p>1 APPEARANCES</p> <p>2</p> <p>3 On behalf of Plaintiff(s):</p> <p>4 Nicholas P. Granath, Esq SEHAM, SEHAM, MELTZ & PETERSEN, LLP 199 Main Street Seventh Floor White Plains, New York 10601</p> <p>6</p> <p>7</p> <p>8 On behalf of Defendant(s):</p> <p>9 Dana Lossia, Esq. (via videoconference) LEVY RATNER, P.C. 80 Eighth Avenue Eighth Floor New York, New York 10011 Also present: Russell Melvin (via telephone)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 22 DPA 411 - DPA 416 149</p> <p>2 23 DPA 629 - DPA 633 81</p> <p>3 25 DPA 692 - DPA 693 156</p> <p>4 26 Def. 555 - Def. 571 161</p> <p>5 27 Def. 572 - Def. 595 166</p> <p>6 28 Def. 1054 - Def. 1076 167</p> <p>7 29 DPA 507 - DPA 531 61</p> <p>8 30 Def 01092 111</p> <p>9 31 Plaintiff's 5th Supplemental Responses and DPA 116 744-755</p> <p>10</p> <p>11 32 Def. 596 120</p> <p>12 33 Def 01097 128</p> <p>13 34 Def 00055 144</p> <p>14 35 Def 5 - Def 13 Def 21 - Def 54 157</p> <p>15 36 Def. 00056 160</p> <p>16 37 Def. 597 174</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

TIMOTHY EDWARD CAPLINGER
DELTA PILOTS ASSOC. vs MELVINJanuary 11, 2019
13-16

<p style="text-align: right;">Page 13</p> <p>1 Q Prior to that conference call, what was the</p> <p>2 board of directors meeting prior to that?</p> <p>3 A The previous one would have been calling them</p> <p>4 to ask their opinion regarding running a movie theater</p> <p>5 trailer in the Georgia region where our pilots are based</p> <p>6 around the Atlanta area and to get their opinion on that</p> <p>7 large expenditure. And that would have been about six</p> <p>8 months prior to that, so sometime in 2015, I estimate</p> <p>9 would have been that phone call, that conference call.</p> <p>10 Q And what was the most recent prior meeting of</p> <p>11 the board of directors?</p> <p>12 A I do not recall.</p> <p>13 Q Does DPA have minutes from the discussion with</p> <p>14 the board of directors concerning the movie trailer?</p> <p>15 A Not that I recall, no, there is no minutes.</p> <p>16 There were no minutes.</p> <p>17 Q Do you have any minutes from any board of</p> <p>18 directors meeting of DPA?</p> <p>19 A No, ma'am.</p> <p>20 Q Have you discussed the website hacking with</p> <p>21 Frank Mataja?</p> <p>22 A Not in any detail other than we have a lawsuit</p> <p>23 in progress that is -- that they are going to require</p> <p>24 funding, so no.</p> <p>25 Q Did Mr. Mataja vote to authorize the lawsuit</p>	<p style="text-align: right;">Page 15</p> <p>1 A Yes, ma'am.</p> <p>2 Q Did you create a website to be hosted at that</p> <p>3 domain?</p> <p>4 A I need to correct the record on that previous</p> <p>5 question or supplement it. I paid for that domain but</p> <p>6 using DPA funds, if that is more clear.</p> <p>7 Q Yes. Thank you.</p> <p>8 A I'm sorry. Your next question, please?</p> <p>9 Q Did you create a website to be hosted at the</p> <p>10 domain we were just discussing?</p> <p>11 A I don't create websites as such. I use a web</p> <p>12 hosting service that had website creation tools that</p> <p>13 allowed me just to input content. So I did the basic</p> <p>14 steps to, I guess you could say create, but enter the</p> <p>15 data into the website, yes.</p> <p>16 Q And Squarespace is the service that you used;</p> <p>17 is that right?</p> <p>18 A Yes. Now, initially, I believe the basic</p> <p>19 original DPA website was just a plain, very plain</p> <p>20 one-page website through GoDaddy, just a page announcing</p> <p>21 that we had started. But once we started gaining steam</p> <p>22 in the fall of 2010, I got a webmaster assistant,</p> <p>23 Richard Eagan, to help me expand our capability, and</p> <p>24 that's when we migrated or basically shut down that</p> <p>25 original single web page and began a more professional</p>
<p style="text-align: right;">Page 14</p> <p>1 or the expenditure of funds on the lawsuit?</p> <p>2 A No.</p> <p>3 Q Did Mr. Eagan vote to authorize either the</p> <p>4 lawsuit or the expenditure of funds on the lawsuit?</p> <p>5 A Mr. Eagan was not on the board of directors at</p> <p>6 the time the lawsuit began.</p> <p>7 Q Was Ira Astrachan on the board of directors at</p> <p>8 the time this lawsuit began?</p> <p>9 A Yes.</p> <p>10 Q Did you discuss the lawsuit with Mr.</p> <p>11 Astrachan?</p> <p>12 A Not to my recollection.</p> <p>13 Q Did you discuss the hacking of the website</p> <p>14 with Mr. Astrachan?</p> <p>15 A Not to my recollection.</p> <p>16 Q DPA alleges in paragraph 21 of the second</p> <p>17 amended complaint that its website can be located at</p> <p>18 http://delta-pilots.org. Is that a true statement?</p> <p>19 A To the best of my belief, yes.</p> <p>20 Q Who registered that domain?</p> <p>21 A I did.</p> <p>22 Q When was that?</p> <p>23 A That would have been in 2010, the summer of</p> <p>24 2010. I don't recall the exact date.</p> <p>25 Q Did you pay to register that domain?</p>	<p style="text-align: right;">Page 16</p> <p>1 approach through Squarespace.</p> <p>2 Q And who paid for the DPA Squarespace account?</p> <p>3 A DPA. I physically authorized the payment but</p> <p>4 DPA funds.</p> <p>5 Q Who has administrative control over the DPA</p> <p>6 website at this time?</p> <p>7 A Just myself and -- I'm not sure if Richard</p> <p>8 Eagan has the current passwords, but if he requested it,</p> <p>9 I would give it to him. I don't recall if he has the</p> <p>10 current password, but myself and Richard Eagan.</p> <p>11 Ma'am, there is a background noise that I'm</p> <p>12 struggling to hear your questions.</p> <p>13 Q Is it better now?</p> <p>14 A Yes, ma'am.</p> <p>15 Q At the time of November 2013, who had</p> <p>16 authorized administrative access to the DPA website?</p> <p>17 A Myself and Richard Eagan.</p> <p>18 Q Has anyone else ever had authorized</p> <p>19 administrative access to the DPA website?</p> <p>20 A No, ma'am.</p> <p>21 Q DPA alleges at paragraph 23 of the second</p> <p>22 amended complaint that it displays a running count of</p> <p>23 the number of cards signed by Delta pilots in DPA's</p> <p>24 campaign to replace ALPA. Do you see what I'm referring</p> <p>25 to?</p>

TIMOTHY EDWARD CAPLINGER
DELTA PILOTS ASSOC. vs MELVINJanuary 11, 2019
17-20

<p style="text-align: right;">Page 17</p> <p>1 A Yes, ma'am.</p> <p>2 Q Did that practice of displaying a running</p> <p>3 count of the number of cards stop at some point?</p> <p>4 A Yes, ma'am, it did.</p> <p>5 Q When was that?</p> <p>6 A I don't recall the exact date, but I stopped</p> <p>7 updating when we idled our campaign, suspended it, and</p> <p>8 that would have been sometime in 2017. I'm sorry, I</p> <p>9 don't have the -- I don't recall the date.</p> <p>10 Q While the number of cards was still being</p> <p>11 displayed on the DPA website, what was included in that</p> <p>12 count?</p> <p>13 A To be clear, the cards are still displayed on</p> <p>14 our website. It is just not updated.</p> <p>15 Q Oh, I see, okay. So what's included in that</p> <p>16 number?</p> <p>17 A Okay, thank you. We have two numbers</p> <p>18 typically that were displaying on there, a number of</p> <p>19 cards required and then a number of cards received. I</p> <p>20 believe, to my recollection, it was a blue box that</p> <p>21 showed kind of the goal and then a green box to show how</p> <p>22 we were doing against that goal with the number of cards</p> <p>23 received.</p> <p>24 Q Did the number of cards received include cards</p> <p>25 that may have expired under the National Mediation Board</p>	<p style="text-align: right;">Page 19</p> <p>1 Q In paragraph 25 of the second amended</p> <p>2 complaint, it says that, "Through Squarespace, DPA also</p> <p>3 links to various domain names or other URLs or websites</p> <p>4 on other computers used in interstate commerce and</p> <p>5 maintains a webmaster account."</p> <p>6 When the complaint refers to links to various</p> <p>7 domain names and other URLs or websites, does that mean</p> <p>8 in laymen's terms that there are hypertext links on the</p> <p>9 DPA site that can be clicked to take the visitor to a</p> <p>10 website that is not maintained by DPA?</p> <p>11 MR. GRANATH: I will enter a standing</p> <p>12 objection, just for efficiency sake, based on form</p> <p>13 for all questions that are directed to what the</p> <p>14 complaint alleges, and I will instruct the witness</p> <p>15 to answer those according to his personal knowledge</p> <p>16 or otherwise in confines of the question. Go ahead</p> <p>17 and answer it.</p> <p>18 THE WITNESS: Would you please restate the</p> <p>19 question.</p> <p>20 Could the court reporter read that question</p> <p>21 back, please.</p> <p>22 (Portions of record read back by court</p> <p>23 reporter.)</p> <p>24 THE WITNESS: In part, I would say that's</p> <p>25 mostly correct. There could be -- there could be</p>
<p style="text-align: right;">Page 18</p> <p>1 rules?</p> <p>2 A Yes.</p> <p>3 Q Did the number of cards received include</p> <p>4 duplicate cards from the same pilot in any event?</p> <p>5 A Not to my knowledge.</p> <p>6 Q What is the highest number of signed</p> <p>7 authorization cards that DPA has ever had that were</p> <p>8 valid under the National Mediation Board rules?</p> <p>9 A I have no hard number in my mind that I can</p> <p>10 recall, but I can estimate for you. That would have</p> <p>11 been at the point where we kicked off a celebration at</p> <p>12 5400 total cards, but at that time approximately 600 of</p> <p>13 those cards needed to be updated. So I would estimate</p> <p>14 that 5400 minus six, it was around 4800 valid</p> <p>15 ready-to-roll to the NMB cards.</p> <p>16 Q When was that?</p> <p>17 A That was in the fall of 2013, just prior to</p> <p>18 this attack.</p> <p>19 Q Does DPA intend to file for a certification</p> <p>20 election with the National Mediation Board?</p> <p>21 A If we are ever able to achieve the required</p> <p>22 number of cards, yes.</p> <p>23 Q How many cards do you have currently that are</p> <p>24 valid under the NMB rules?</p> <p>25 A I do not know.</p>	<p style="text-align: right;">Page 20</p> <p>1 other links that the user doesn't have to click on</p> <p>2 that are -- that are automatically displayed on our</p> <p>3 website.</p> <p>4 You know, for instance, a Wistia video or a</p> <p>5 YouTube or a Twitter link, you know, those would</p> <p>6 all be ones you could click on and go somewhere,</p> <p>7 but the Wistia video would be in our video section</p> <p>8 and you would see the video on our website, but the</p> <p>9 user was actually being transported to the Wistia</p> <p>10 service that was -- so they didn't leave our</p> <p>11 website, but they were able to view something</p> <p>12 through an external party on our website. Sorry if</p> <p>13 that was confusing.</p> <p>14 BY MS. LOSSIA:</p> <p>15 Q Before November 2013, did you know the name</p> <p>16 Russell Melvin?</p> <p>17 A I had learned of Russell Melvin through</p> <p>18 several points; one his submission of a DPA card, and</p> <p>19 then a phone call from him offering to assist DPA and</p> <p>20 join us on our finance team. He claimed to have an</p> <p>21 extensive finance background as well as background in</p> <p>22 the military and with ALPA and he would be a great</p> <p>23 volunteer. And in that conversation where he</p> <p>24 volunteered to work with us, he declined to accept a</p> <p>25 project that I gave him to kind of vet him.</p>